

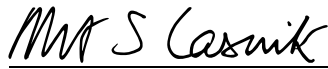
UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DYLAN JAMES DOWNEY, ) CASE NO. C08-0396-RSL  
)  
Plaintiff, )  
)  
v. )  
) ORDER DISMISSING § 1983  
STATE OF WASHINGTON DEPT. ) ACTION  
OF CORRECTIONS, et al., )  
)  
Defendants. )

The Court, having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler, United States Magistrate Judge, any objections thereto, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) The complaint and this action are DISMISSED without prejudice;
- (3) This dismissal shall count as a strike under 28 U.S.C. § 1915(g); and
- (4) The Clerk is directed to send a copy of this Order to plaintiff and to Judge Theiler.

DATED this 21<sup>st</sup> day of April, 2008.

  
Robert S. Lasnik  
United States District Judge